



Rep. Karen May

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LRB094 02848 RSP 43891 a

1 AMENDMENT TO HOUSE BILL 1628

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1628 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Mercury-Free Vehicle Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds:

8 (1) That mercury is a persistent and toxic pollutant  
9 that bioaccumulates in the environment.

10 (2) That 41 states, including Illinois, have issued  
11 fish advisories that warn certain individuals to restrict  
12 or avoid consuming fish from bodies of water contaminated  
13 with mercury.

14 (3) That the United States Food and Drug Administration  
15 has advised pregnant women and women of childbearing age  
16 who may become pregnant not to eat shark, swordfish, king  
17 mackerel, and tilefish due to methyl mercury  
18 contamination.

19 (4) That according to estimates of the National  
20 Research Council, over 60,000 babies are born annually at  
21 risk for adverse neurodevelopment effects from in utero  
22 exposure to methyl mercury resulting from the consumption  
23 of mercury contaminated fish. These children will have to  
24 struggle to keep up in school and might require remedial

1 classes or special education.

2 (5) That automobile manufacturers ended their use of  
3 mercury switches in new vehicles with the model year 2003,  
4 but that a significant number of mercury switches still  
5 exist in U. S. motor vehicles currently on the road.

6 (6) That mercury switches in vehicles are vaporized and  
7 released into the environment when scrap metal, which  
8 includes shredded end-of-life vehicles, is melted in  
9 furnaces to make new steel. Recent findings show that  
10 current use of mercury in automobiles can cause the release  
11 of as much as 10 tons of mercury into the environment each  
12 year.

13 (7) That pollution prevention is more desirable than  
14 controlling pollution after the fact, and that removing  
15 mercury switches from vehicles before they are crushed or  
16 shredded is an effective way of preventing mercury from  
17 entering steel making furnaces, thereby reducing emissions  
18 into the environment.

19 (8) That manufacturers of mercury-added products  
20 appear to be in the best position to ensure that  
21 appropriate, practical, and cost-effective systems are  
22 available for end-of-life management of their products.

23 (9) That statewide mercury switch collection programs,  
24 in which mercury switches are removed before discarded  
25 vehicles are reused as scrap metal, are being established  
26 across the country to protect human health and the  
27 environment.

28 (10) That auto recyclers and dismantling facilities  
29 exists because many parts and other items have resale  
30 value, but that such facilities have limited ability to  
31 pass on the costs of removing mercury switches because the  
32 switches have no resale value. Monetary incentives are  
33 therefore needed to ensure significant recycling of  
34 mercury switches.

1           (11) That it is in the public interest of the residents  
2           of Illinois to reduce the quantity of mercury in the  
3           environment by removing switches from vehicles before they  
4           are scrapped.

5           Section 10. Purpose. The purpose of this Act is to reduce  
6           the quantity of mercury in the environment by (i) removing  
7           mercury from vehicles in commerce and end-of-life vehicles in  
8           Illinois; (ii) creating a collection and recovery program for  
9           mercury switches removed from vehicles in Illinois; (iii)  
10          establishing a system to store the mercury collected and  
11          recovered from vehicle components in the event that  
12          environmentally appropriate management technologies are not  
13          available; and (iv) designing future vehicles for maximum  
14          environmental protection and recyclability at the end of their  
15          useful lives by implementing a design for recycling that  
16          includes phasing out the use of mercury in future vehicle  
17          models.

18          Section 15. Definitions. For the purposes of this Act:

19          "Agency" means the Illinois Environmental Protection  
20          Agency.

21          "Mercury-added component" means a component that contains  
22          mercury that was intentionally added to a vehicle in order to  
23          provide a specific characteristic, appearance, or quality, to  
24          perform a specific function, or for any other reason. Such  
25          components may include, but are not limited to, switches,  
26          sensors, lights, and navigational systems.

27          "Manufacturer" means any person, firm, association,  
28          partnership, corporation, governmental entity, organization,  
29          combination, or joint venture that is the last person to  
30          produce or assemble a new vehicle that uses mercury-added  
31          components or, in the case of an imported vehicle, the importer  
32          or domestic distributor of such vehicle.

1 "Mercury-added switch" means a light switch or an ABS brake  
2 system switch installed by an automotive manufacturer in a  
3 motor vehicle.

4 "Scrap recycling facility" means a fixed location where  
5 machinery and equipment are used for processing and  
6 manufacturing scrap metal into prepared grades and whose  
7 principal product is scrap iron, scrap steel, or nonferrous  
8 metallic scrap that is for sale for remelting purposes.

9 "Vehicle recycler" means any individual or entity engaged  
10 in the business of acquiring, dismantling, or destroying 6 or  
11 more vehicles in a calendar year for the primary purpose of  
12 resale of the parts.

13 "Vehicle in commerce" means any vehicle offered for sale by  
14 a dealer or registered in Illinois to be operated on public  
15 roads and highways.

16 "End-of-life vehicle" means any vehicle that is sold,  
17 given, or otherwise conveyed to a vehicle recycler or scrap  
18 recycling facility for the purpose of recycling.

19 "Capture rate" means removal, collection, and recovery as a  
20 percentage of the total mercury available from vehicles in  
21 commerce and end-of-life vehicles annually.

22 "Manufacturer-dealer warranty program" means an  
23 arrangement between a manufacturer and its franchisee, whereby  
24 the manufacturer agrees to reimburse the franchisee at  
25 established rates for labor or parts necessary to repair a  
26 vehicle pursuant to the manufacturer's original equipment  
27 warranty to the original purchaser of the vehicle.

28 "Voluntary incentivized recycling program" means a  
29 recycling program for the collection of mercury-added  
30 components that provides compensation for the removal and  
31 collection of these components from end-of-life vehicles. The  
32 program shall provide a minimum compensation of \$3 for each  
33 mercury switch and \$15 for each ABS brake system switch  
34 removed.

1 Section 20. Removal, replacement, collection, and  
2 recovery.

3 (a) Within 180 days after the effective date of this Act,  
4 every manufacturer of vehicles sold in Illinois shall,  
5 individually or as part of a group, submit to the Agency for  
6 review and approval a plan to remove, collect, and recover  
7 mercury switches either in commerce or end-of-life.

8 (b) Vehicle manufacturers shall either (i) develop,  
9 implement, and fund a system to remove, replace (where  
10 possible), collect, and recover mercury switches from vehicles  
11 in commerce, or (ii) develop and implement a voluntary  
12 incentivized recycling program, as defined in Section 15, to  
13 remove collect and recover mercury switches from end-of-life  
14 vehicles. For vehicles in commerce, the system shall provide  
15 for the removal, collection, and recovery of mercury switches  
16 and shall replace them with mercury-free alternatives. For  
17 end-of-life vehicles, the system shall also provide for the  
18 removal, collection, and recovery of mercury switches. The  
19 removal, replacement (where possible), collection, and  
20 recovery system shall for vehicles in commerce, or in the  
21 removal, collection, and recovery system for end-of-life  
22 vehicles, include, at a minimum, the following:

23 (1) an education program to inform the public and other  
24 stakeholders about the purposes of the collection program  
25 and how to participate in it;

26 (2) a plan for implementing and financing the system,  
27 in accordance with Section 25 of this Act;

28 (3) documentation of the willingness of all necessary  
29 parties to implement the proposed system;

30 (4) information identifying the make, model, and year  
31 of vehicles containing mercury switches, a description of  
32 the component, the location of the component, and a safe,  
33 cost-effective, and environmentally sound method for their

1 removal from vehicles in commerce and from end-of-life  
2 vehicles;

3 (5) a mercury switch capture rate of at least 90%,  
4 which is consistent with the principle that mercury  
5 switches shall be recovered unless the part is inaccessible  
6 due to significant damage to the vehicle in the area  
7 surrounding the location of the mercury switch;

8 (6) a description of the performance measures to be  
9 used and reported upon by the manufacturer to demonstrate  
10 that the system is meeting the capture rate identified in  
11 paragraph (5) of this subsection (b) and other measures of  
12 program effectiveness, including, but not limited to, the  
13 number of switches collected from both end-of-life  
14 vehicles and vehicles in commerce, the amount of mercury  
15 collected, the number of vehicles containing mercury  
16 switches, and the number of vehicles processed for  
17 recycling;

18 (7) a description of additional or alternative actions  
19 that shall be implemented to improve the system and its  
20 operation in the event that the program targets established  
21 under paragraph (5) of this subsection (b) are not met; and

22 (8) a plan to store the mercury collected and recovered  
23 from vehicle components in the event that environmentally  
24 appropriate management technologies are not available.

25 (c) In developing a removal, replacement, collection, and  
26 recovery system for vehicles in commerce, manufacturers shall,  
27 to the extent practicable, use existing dealerships, service  
28 stations, inspection stations, repair shops, and other  
29 facilities that regularly service vehicles in commerce.

30 (d) In developing a removal, collection, and recovery  
31 program for end-of-life vehicles manufacturers shall, to the  
32 extent practicable, use the existing recycling infrastructure  
33 available for end-of-life vehicles including, but not limited  
34 to, vehicle recyclers and scarp metal recyclers.

1 Section 30. Plan approval.

2 (a) Within 30 days after receipt of a manufacturer's plan,  
3 the Agency shall issue public notice and solicit public comment  
4 on the manufacturer's plan.

5 (b) Within 90 days after receipt of a manufacturer's plan,  
6 the Agency shall do either of the following:

7 (1) Determine whether the entire plan complies with  
8 this Section. If the entire plan is approved, the  
9 manufacturer shall begin implementation as soon as  
10 practicable. If the entire plan is rejected, the Agency  
11 shall inform the manufacturer as to the reasons for the  
12 rejection. The manufacturer shall have 30 days thereafter  
13 to submit a new plan.

14 (2) Determine whether any part of the plan meets the  
15 requirements of this Section and approve such compliant  
16 parts and disapprove such others that do not comply with  
17 the requirements of this Section. The manufacturer shall  
18 immediately implement the approved parts and submit a  
19 revised plan respecting the remaining parts within 30 days  
20 after receipt of notification of the Agency's disapproval.  
21 The Agency shall review a manufacturer's revised plan  
22 within 30 days after receipt.

23 (c) Two hundred and forty days after the effective date of  
24 this Act, the Agency shall complete, on behalf of a  
25 manufacturer, any portion of the plan that has not been  
26 approved.

27 (d) The Agency shall review the plan 3 years after the  
28 original date of approval of the plan and every 3 years  
29 thereafter, and shall require modifications to the plan as  
30 appropriate.

31 Section 55. General compliance with other provisions.  
32 Except as expressly provided in this Act, compliance with this

1 Act shall not exempt a person from compliance with any other  
2 law.

3 Section 60. Rulemaking. The Agency may adopt rules  
4 concerning this Act.

5 Section 65. Public notification; comment period. The  
6 Agency shall issue public notice and solicit public comment on  
7 (i) the removal, replacement, collection, and recovery plans  
8 submitted by vehicle manufacturers pursuant to Section 20 of  
9 this Act and (ii) the applications and reapplications for  
10 exemptions submitted under Section 45 of this Act. This  
11 notification and solicitation shall be issued within 30 days  
12 after receiving a plan or an application from the manufacturer,  
13 in order to give the public adequate time to comment on the  
14 proposals.

15 Public comments received within the 90-day review period of  
16 this Act shall be considered by the Agency when making a  
17 decision to accept or reject either the plan or the application  
18 for exemption.

19 Section 70. Reporting. One year after the implementation of  
20 the removal, replacement, collection, and recovery system, and  
21 annually thereafter, a manufacturer subject to Section 20 of  
22 this Act shall report to the Agency concerning the performance  
23 of the manufacturer's plan. The report shall include, but not  
24 be limited to, the following:

25 (1) a detailed description and documentation of the  
26 capture rate achieved;

27 (2) a plan to implement additional or alternative  
28 actions, if necessary, to improve the capture rate;

29 (3) a listing of the public educational initiative  
30 implemented, including the size of the audience reached;  
31 and

1           (4) any changes in the participation of the necessary  
2           parties for the plan to be effectively implemented.

3           Section 75. Civil enforcement. Any person violating any  
4           provision of this Act or rule thereunder shall be liable and  
5           subject to a civil penalty of not more than \$10,000 for the  
6           violation and an additional civil penalty of not more than  
7           \$1,000 for each day during which the violation continues.

8           Section 80. Criminal enforcement. It shall be a Class A  
9           misdemeanor to violate this Act or rules thereunder, or any  
10          terms or conditions thereof, or to knowingly submit any false  
11          information under this Act.

12          Section 85. Universal waste. The Agency shall modify its  
13          rules governing universal hazardous waste as appropriate to  
14          promote the collection, transport, recovery, and proper  
15          management of mercury-added vehicle components.

16          Section 90. Public education and outreach.

17          (a) Automobile manufacturers shall implement a  
18          comprehensive education and outreach program for the general  
19          public and parties willingly participating in the removal,  
20          replacement (where appropriate), recovery, and disposal system  
21          established under this Act. This education and outreach program  
22          shall focus on the hazards related to and proper handling of  
23          mercury, including, but not limited to, the requirements and  
24          obligations of individuals, manufacturers, and the Agency and  
25          details of the system established under this Act.

26          (b) In collaboration with automobile manufacturers, the  
27          Agency shall supplement this education and outreach program  
28          with an assistance program for businesses that might  
29          participate in the collection, replacement (where  
30          appropriate), recovery, and disposal system established under

1 the Act.

2 (c) Willingly participating parties shall implement a  
3 public education and outreach program focused on their  
4 participation in the collection, replacement (where  
5 applicable), recovery, and disposal system established under  
6 this Act.

7 Section 95. Government procurement. Notwithstanding any  
8 other policies and guidelines for the procurement of vehicles,  
9 the Agency shall, within one year after the effective date of  
10 this Act, revise its policies, rules, and procedures to give  
11 priority and preference to the purchase of mercury-free  
12 vehicles, taking into consideration competition, price,  
13 availability, and performance.".